INVESTIGATORS SUMMARY

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USE OF FORCE
TYPE: DEPUTY INVOLVED SHOOTING-SUSPECT HIT
I.A.B. FILE NUMBER: SH 2111823
URN: 004-03922-0451-055

On Friday, February 27, 2004, Sergeant Richard Smith and John Cleary, along with Lieutenant Gregory Johnson of the Internal Affairs Bureau responded to 11301 Firestone Blvd., Norwalk, regarding a Deputy Involved Shooting involving Operation Safe Streets personnel. Lieutenant Larry Lincoln and Detectives Jim Gates, Steve Weireter, Mark Lillienfield and Phillip Martinez from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel as well as information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package **(refer Exhibit A)**.

INVOLVED PERSONNEL:

Sergeant Salvador Munoz, [redacted]	MH/50	5'09"/175lbs
Sergeant Eric Giambalvo, [redacted]	MH/46	5'10"/250lbs
Deputy Alberto Carrillo, [redacted]	MH/36	5'07"/170lbs
Deputy Aloysius Bennett, [redacted]	MW/40	5'10"/240lbs
Deputy David Cortinas, [redacted]	MH/39	5'08"/175lbs
Deputy Ruben Nava, [redacted]	MH/41	5'10"/210lbs

EMPLOYEE WORK HISTORY

MUNOZ, Salvador

Date of Employment	02-79
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Date Assigned to Unit	10-03
Prior Founded Force Incidents	[redacted]

GIAMBALVO, Eric

Date of Employment	11-79
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Date Assigned to Unit	01-02
Prior Founded Force Incidents	[redacted]

CARRILLO, Alberto

Date of Employment	02-91
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Date Assigned to Unit	10-00
Prior Founded Force Incidents	[redacted]

BENNETT, Aloysius

Date of Employment	01-90
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Date Assigned to Unit	05-03
Prior Founded Force Incidents	[redacted]

CORTINAS, David

Date of Employment	06-94
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Date Assigned to Unit	01-02
Prior Founded Force Incidents	[redacted]

NAVA, Ruben

Date of Employment	10-86
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Date Assigned to Unit	11-01
Prior Founded Force Incidents	[redacted]

SUSPECT

Suspect Antonio Sapien, BK# 8029144	MH/27	6'04"/210lbs

Suspect Sapien is a known Los Nietos gang member with an [redacted] Suspect Sapien has been arrested for [redacted] **(refer Exhibit C)**.

Suspect Michael Rodeghier, BK#8029129	MH/24	5'07/180lbs

Suspect Rodeghier has no adult criminal record and only [redacted] **(refer Exhibit D)**.

WITNESSES

Sergeant Allen Harris, [redacted]	L. A. Impact	
Sergeant Jack Mayer, [redacted]	SEB K-9	(323)264-7084
Deputy Richard Conti, [redacted]	SEB K-9	(323)264-7084
Deputy [redacted]	SEB K-9	(323)264-7084
Deputy Ralph Hernandez [redacted]	L.A. Impact	
Officer [redacted]	Whittier Police Department	(562)945-8250
Officer [redacted]	Whittier Police Department	(562)945-8250
Officer [redacted]	Whittier Police Department	(562)945-8250
Officer [redacted]	Whittier Police Department	(562)945-8250
Officer [redacted]	Whittier Police Department	(562)945-8250
Deputy Eric Allen [redacted]	Sheriff's Aero Bureau	(562)421-2701
Deputy David Macnair, [redacted]	Sheriff's Aero Bureau	(562)421-2701
[redacted] MH/38	[redacted]	[redacted]
[redacted], FH/21		
	[redacted]	
[redacted] MW/46	[redacted]	[redacted]
[redacted], MH/36	[redacted]	[redacted]

INJURIES

No Department personnel were injured during this incident.

Suspect Antonio Sapien received one gunshot wound to his right knee, and one shotgun pellet wound to his back and flank.

Suspect Michael Rodegher was not injured in this incident.

PHYSICAL EVIDENCE

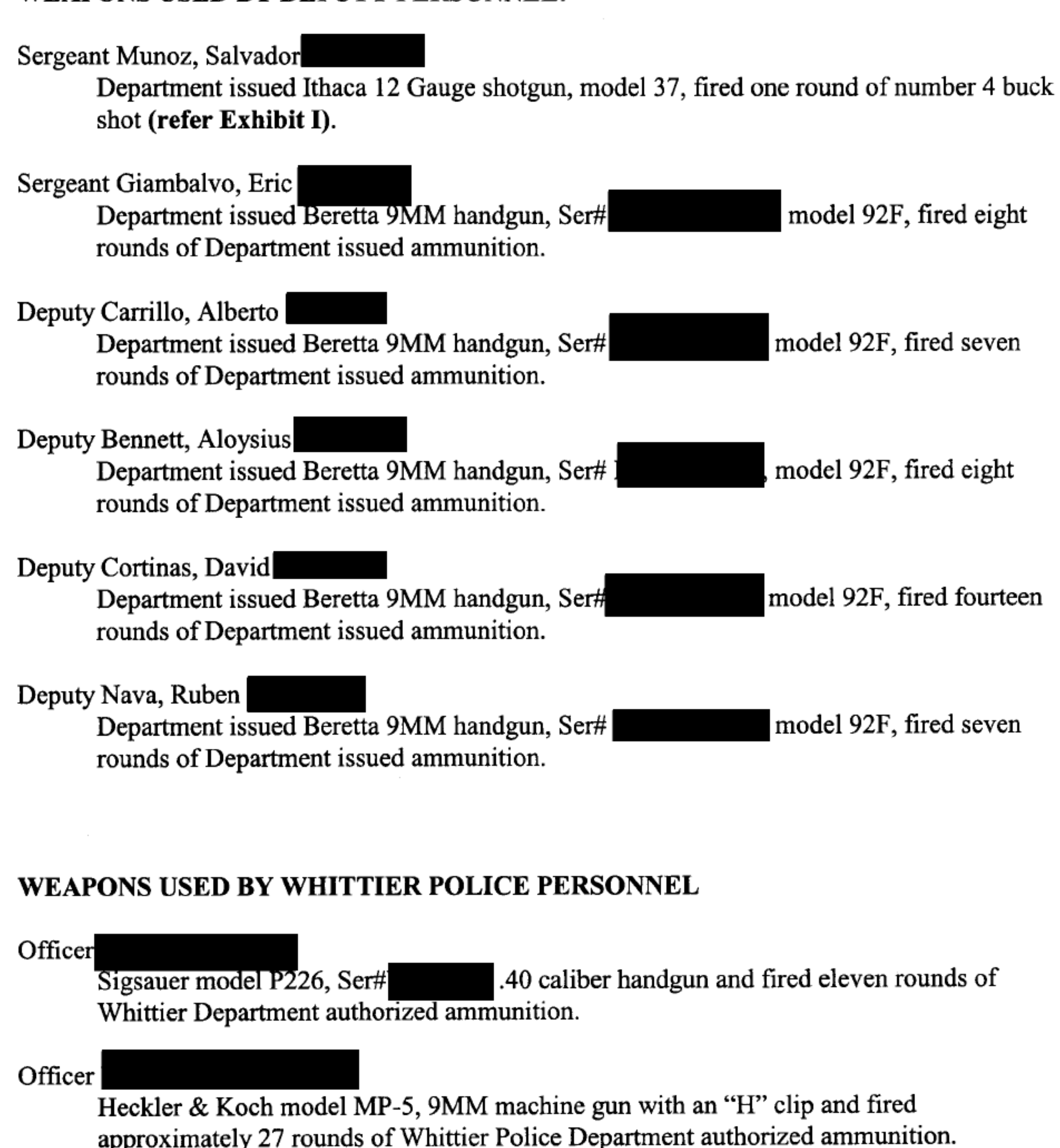
Fifty-nine 9MM shell casings were recovered in the street at the location.

Ten .40 caliber shell casings were recovered in the street at the location.

One "Jennings" "Nina" 9MM semi-automatic handgun, loaded with 10 live rounds recovered from the floorboard of the suspect vehicle.

INVESTIGATOR OBSERVATIONS:

Sergeant's Munoz and Giambalvo's marked Sheriff's radio car #714 was stopped, in an off-set position approximately fifteen feet behind the suspect vehicle. Deputies Carrillo



and Bennett's marked Sheriff's radio car #301, was stopped to the south and slightly behind radio car #714. A gray, unmarked radio car was stopped behind and to the north of radio car #301 **(refer Exhibit B, E & F)**. Numerous shell casings were in the street in around the radio cars.

WEAPONS USED BY DEPUTY PERSONNEL:

Sergeant Munoz, Salvador [redacted]
Department issued Ithaca 12 Gauge shotgun, model 37, fired one round of number 4 buck shot **(refer Exhibit I)**.

Sergeant Giambalvo, Eric [redacted]
Department issued Beretta 9MM handgun, Ser# [redacted] model 92F, fired eight rounds of Department issued ammunition.

Deputy Carrillo, Alberto [redacted]
Department issued Beretta 9MM handgun, Ser# [redacted] model 92F, fired seven rounds of Department issued ammunition.

Deputy Bennett, Aloysius [redacted]
Department issued Beretta 9MM handgun, Ser# [redacted], model 92F, fired eight rounds of Department issued ammunition.

Deputy Cortinas, David [redacted]
Department issued Beretta 9MM handgun, Ser# [redacted] model 92F, fired fourteen rounds of Department issued ammunition.

Deputy Nava, Ruben [redacted]
Department issued Beretta 9MM handgun, Ser# [redacted] model 92F, fired seven rounds of Department issued ammunition.

WEAPONS USED BY WHITTIER POLICE PERSONNEL

Officer [redacted]
Sigsauer model P226, Ser# [redacted] .40 caliber handgun and fired eleven rounds of Whittier Department authorized ammunition.

Officer [redacted]
Heckler & Koch model MP-5, 9MM machine gun with an "H" clip and fired approximately 27 rounds of Whittier Police Department authorized ammunition.

WEAPONS USED BY SUSPECT

Suspect Antonio Sapien, BK#8029144
Jennings, Nina, 9MM handgun, Ser# [redacted] **(refer Exhibit J)**.

PROPERTY DAMAGE:

The suspect vehicle sustained numerous bullet holes **(refer Exhibit K)**.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Detective Jim Gates, [redacted] Homicide Bureau
Detective Steve Weireter, [redacted] Homicide Bureau

One count of Exhibiting Deadly Weapon to a Police Officer to Resist Arrest, 417.8 P. C., one count of Exhibiting a Firearm in the Presence of an Officer, 417(c) P. C., one count of Unlawful Firearm Activity, 12021(c)(1) P. C. and Possession of a Controlled Substance, 11377(a) H. & S. were filed against Suspect Antonio Sapien.

LIGHTING OR WEATHER CONDITIONS:

This incident occurred during hours of darkness on a well lit street in front of a well lighted parking lot. The suspect vehicle was also illuminated by an Aero Bureau helicopters fifty million watt candle power Night Sun spot light during the incident. The weather was clear and the street was dry and free of debris.

INVOLVED EMPLOYEES STATEMENTS:

Synopsis of events prior to the shooting incident:

The law enforcement personnel involved in this incident were summoned to the Whittier Police Department, Sante Fe Springs Sub-Station to assist Pico Rivera OSS and Whittier Police Officers in a surveillance of a felony assault suspect, Suspect Antonio Sapien. They were briefed that Suspect Sapien was wanted for several counts of felony assault, was being investigated in two separate murders and had eluded capture on two previous occasions. They were told Suspect Sapien had a "tendency toward violence," would engage police in a gunfight to stay out of jail and was in constant possession of firearms. After the briefing the involved personnel responded to their assigned positions in the surveillance operation.

Sergeant Salvador Munoz, [redacted]

Sergeant Munoz, on the day of the incident, was assigned to Pico Rivera and Norwalk Stations as a supervisor for the Gang Enforcement Team, partnered with Sergeant Giambalvo on a surveillance in the Norwalk area. He was the passenger in a marked Black and White Sheriff's radio car and Sergeant Giambalvo was the driver. He was wearing a Sheriff's Department Class C uniform, a green marked Sheriff's raid jacket, with Sam Brown gun belt.

Sergeant Munoz said that after the briefing, he and Sergeant Giambalvo responded to the area of [redacted], taking a position south of that location as their assigned surveillance position. While on station, he was advised by Sergeant Harris that Suspect Sapien had entered a green Ford Thunderbird, as the passenger, and was traveling southbound on Orr and Day Rd. The suspect vehicle drove past him and he and Sergeant Giambalvo began to follow the suspect vehicle as the first surveillance vehicle behind it. He activated the emergency lights on his marked radio car and the suspect vehicle began to pull to the curb lane of Orr and Day Rd. The suspect vehicle"hesitated," then turned westbound on Firestone Blvd. The suspect vehicle continued westbound on Firestone Blvd. at a "very slow" rate of speed. He stated on several occasions he believed that the suspect vehicle was going to stop; however, the suspect vehicle continued westbound on Firestone Blvd. at a slow rate of speed. The suspect vehicle finally stopped against the north curb of Firestone Blvd. **(refer Exhibit B & F)**.

After the suspect vehicle had stopped he took a position between the passenger door and the frame of the radio car to conduct a felony vehicle stop. The suspect vehicles engine to "rev" and then lurched backwards toward Sergeant Giambalvo and himself. He saw movement inside the suspect vehicle and believed the driver, Suspect Rodeghier, was going to place the vehicle in reverse and "ram" his vehicle. He said that he did not want to be struck by the suspect vehicle, should the vehicle be put into reverse, and began to move north of his radio car toward the north sidewalk of Firestone Blvd. **(refer Exhibit H)**. As he moved toward that position, he clearly saw Suspect Sapien with a semi-automatic handgun in his right hand through the clear glass of the right front passenger window. He noted the right front passenger door was "ajar" and after seeing the handgun, yelled "gun" to alert the other personnel involved, and fired one round from his Departmentally issued shotgun, from a position at the north curb of Firestone Blvd, **(refer Exhibit L)** which then "jammed" **(refer Exhibit I)**. He "slung" his shotgun around behind his back and armed himself with his issued Beretta, then ran to a concrete light standard which he utilized as cover **(refer Exhibit L)**. As he moved he heard additional gun shots. He said that after he saw Suspect Sapien raise the semi-automatic handgun **(refer Exhibit J)**, he believed Suspect Sapien was going to "kill him" and other law enforcement personnel.

After the gun shots stopped, he heard the suspect vehicle was still running. Suspect Sapien continued to move about inside the suspect vehicle. Suspect Rodeghier exited the vehicle as ordered; however, Suspect Sapien refused to comply until he was told that a police dog would be

deployed. At that point Suspect Sapien rolled out of the vehicle and was taken into custody. After Suspect Sapien had rolled out of the suspect vehicle, he saw a handgun laying near the passenger seat **(refer Exhibit J)**.

Sergeant Eric Giambalvo, [redacted]

Sergeant Giambalvo, on the day of the incident, was assigned to Pico Rivera and Norwalk Stations as a supervisor for the Safe Streets Bureau, partnered with Sergeant Munoz on a surveillance in the Norwalk area. He was the driver in a marked Black and White Sheriff's radio car and Sergeant Munoz was the passenger. He was wearing a Sheriff's Department Class C uniform, a green marked Sheriff's raid jacket, with Sam Brown gun belt.

Sergeant Giambalvo said that after the briefing, he and Sergeant Munoz responded to the area of [redacted], taking a position south of that location as their assigned surveillance position. At approximately 0100 hours, Sergeant Harris advised that Suspect Sapien had entered a dark colored Ford Thunderbird on the passenger side and also that he was armed with a handgun. The Thunderbird, suspect vehicle, drove past his location, southbound Orr and Day Rd. He began following the suspect vehicle and Sergeant Munoz advised Sheriff Communications that they were following the suspect vehicle. As they proceeded southbound Orr and Day Rd. they attempted to stop the suspect vehicle by activating their emergency lights; however, the suspect vehicle did not stop and turned westbound Firestone Blvd. As they continued westbound Firestone Blvd. the suspect vehicle would slow as if to stop, but would continue traveling at a slow rate of speed. The suspect vehicle finally came to a stop at the north curb of Firestone Blvd.

After the suspect vehicle stopped he and Sergeant Munoz exited the radio car to conduct a felony traffic stop **(refer Exhibit G)**. He took a position between his vehicle and his opened vehicle door and ordered the occupants to raise their hands, but neither complied. As he was giving commands, he saw both suspect's moving around inside the vehicle, "Like Bobble-head dolls," and the rear tires of the suspect vehicle were spinning and the engine was "revving." At this point he believed that the suspect vehicle was going to ram his vehicle. He saw the right front passenger door "ajar"approximately two feet, and due to Sergeant Harris' advisement that Suspect Sapien was armed with a handgun, and Sergeant Munoz yelling "gun," he became concerned that Suspect Sapien was going to engage them in a gun battle. He felt his safety and Sergeant Munoz was in jeopardy and that they were going to be shot. At this point Sergeant Munoz fired one round from his shotgun and he (Giambalvo) immediately fired eight or nine rounds from his duty weapon at a distance of approximately ten to twenty feet from the suspect vehicle.

Sergeant Giambalvo said that after the shooting, he ordered the driver, Suspect Rodeghier, to exit the suspect vehicle and he complied being taken into custody without incident. Suspect Sapien continued to move about inside the suspect vehicle, yelling that he was hurt. Suspect Sapien did

exit the suspect vehicle and was handcuffed by Sergeant Munoz and treated for gunshot wounds by paramedics. After Suspect Sapien had been removed from the vehicle, he, Deputy Nava and Deputy Carrillo searched the suspect vehicle for additional suspects at which time he saw a handgun laying on the floorboard of the suspect vehicle.

Sergeant Giambalvo said that he was unaware of Sergeant Munoz position after he exited the radio car. He said Deputy Carrillo was to his left next to the passenger door of his (Carrillo's) radio car and Deputy Bennett was on the driver's side.

Deputy Albert Carrillo, [redacted]

Deputy Carrillo, on the day of the incident, was assigned to Norwalk Gang Enforcement Team with his partner Deputy Aloysius Bennett, on a surveillance in the city of Norwalk. He was the passenger and Deputy Bennett was the driver in an unmarked Sheriff's radio car. He was wearing a Sheriff's Department Class C uniform, a marked, green, Sheriff's raid jacket with Sam Brown gun belt.

Deputy Carrillo said that after the briefing he and Deputy Bennett drove to the staging area for the surveillance operation. At the staging area he was advised by Sergeant Harris, via Sheriff's radio, that Suspects Sapien and Rodeghier had entered the suspect vehicle, a green Ford Thunderbird, and that Suspect Sapien was armed with a handgun. He said he was told that the vehicle was moving and he and Deputy Bennett began following the vehicle, behind Sergeants Munoz and Giambalvo, as it proceeded southbound on Orr & Day Rd. Sergeants Munoz and Giambalvo attempted to stop the vehicle on Orr & Day Rd. and it slowed and pulled to the right curb; however, the suspects did not stop. The suspects turned onto westbound Firestone Blvd. and Sergeants Munoz and Giambalvo continued attempting to stop the suspect vehicle utilizing their vehicles overhead emergency lights.

Deputy Carrillo said that as the suspect vehicle continued slowly westbound on Firestone Blvd. it continued to pull to the curb and then proceed westbound. The suspect vehicle finally stopped and he exited his vehicle on the passenger side, south of and slightly behind of Sergeant Giambalvo, who was outside his line of fire. He said numerous law enforcement personnel on scene were yelling at the suspects to raise their hands. At this point he heard the suspect vehicle tires "screeching" and saw them smoking. As this was occurring, he heard someone yell "Gun." Approximately one second later he heard one gunshot and saw bullet holes appear in the rear window of the suspect vehicle. When he saw the bullet holes appeared, he believed that the passenger, Suspect Sapien, was shooting at him.

Deputy Carrillo said that he feared for his safety and the safety of other personnel and returned fire, aiming at Suspect Sapien, firing seven or eight times. After the shooting stopped, the driver, Suspect Rodeghier, exited the drivers door of the suspect vehicle and laid on the ground. He said that he then approached Suspect Rodeghier and took him into custody.

Deputy Aloysius Bennett, [redacted]

Deputy Bennett, on the day of the incident, was assigned to Norwalk Gang Enforcement Team with his partner Deputy Albert Carrillo, on a surveillance in the city of Norwalk. He was the driver and Deputy Carrillo was the passenger in an unmarked Sheriff's radio car. He was wearing a Sheriff's Department Class C uniform, a marked, green, Sheriff's raid jacket with webbed Sam Brown gun belt.

Deputy Bennett said that after the briefing he and Deputy Carrillo went to the staging area of the surveillance operation. While he was at the staging area, he was advised by Sergeant Harris, via Sheriff's radio, that Suspect Sapien was inside the location at [redacted] and that he (Sapien) was armed with a hand gun. A short time later he was advised that Suspect Sapien had entered a green Ford Thunderbird on the passenger side and another male had entered the driver's side. He was advised that the suspect vehicle was proceeding southbound on Orr & Day Rd. with Sergeants Munoz and Giambalvo directly behind it. He took a position behind them and saw them (Munoz and Giambalvo) activate their vehicle's overhead emergency lights, attempting to effect a traffic stop of the suspect vehicle. The suspect vehicle pulled to the curb and then continued southbound.

Deputy Bennett said that the suspect vehicle turned westbound Firestone Blvd. and the sergeants continued trying to stop the suspect vehicle. The suspect vehicle "eventually" stopped at the north curb of westbound Firestone Blvd. Sergeants Munoz and Giambalvo were directly behind the suspect vehicle and he stopped his vehicle parallel to Sergeant Giambalvo's vehicle. He exited his vehicle and took a position near the drivers door. He heard Sergeant Munoz and Giambalvo yelling at the suspects to raise their hands.

Deputy Bennett said that it appeared that the driver (Rodeghier) was attempting to put the vehicle in reverse and the rear tires of the suspect vehicle were "spinning and smoking." As this was occurring he saw, through the rear window, what he believed to be two or three occupants in the vehicle moving inside the vehicle. At this point he heard someone yell "Gun" and almost simultaneously, the rear window of the suspect vehicle shattered. He believed the suspects inside the suspect vehicle had shot at him and other law enforcement personnel. Fearing for his safety and the safety of the other law enforcement personnel, he returned fire, shooting seven or eight times from a distance of approximately forty-five feet. After the shooting stopped, the driver was ordered out of the vehicle and he complied, walking back toward Deputy Carrilllo who handcuffed him.

Deputy Bennett said that when Suspect Sapien was ordered out of the suspect vehicle, he heard Suspect Sapien say that he was shot and injured. Suspect Sapien did exit the suspect vehicle by the passenger door and was taken into custody. After Suspect Sapien was in custody, Deputy

Bennett said he looked into the suspect vehicle and saw a handgun on the passenger side of the vehicle.

Deputy David Cortinas [redacted]

Deputy Cortinas, on the day of the incident, was assigned to Safe Streets Bureau at Pico Rivera Station with his partner, Deputy Ruben Nava along with Whittier Police Officer [redacted] Deputy Nava was the driver, he was the right front passenger and Officer [redacted] was the right rear passenger in an unmarked Sheriff's radio car. He was wearing a Sheriff's Department Class C uniform, a green marked Sheriff's raid jacket, and Sam Brown gun belt.

Deputy Cortinas said that after the briefing he, Deputy Nava and Whittier Police Officer [redacted] drove to the staging area for the surveillance operation. While there he was advised that Suspect Sapien had entered a green Ford Thunderbird along with another male who was the driver and that Suspect Sapien was armed with a hand gun. He was advised that the suspect vehicle was traveling southbound Orr & Day Rd. As the suspect vehicle approached Firestone Blvd., he saw Sergeants Munoz and Giambalvo's vehicle behind the suspect vehicle with it's overhead emergency lights and siren activated. The suspect vehicle slowed and pulled to the curb and then continued to proceed southbound Orr & Day Rd. At Firestone Blvd. the suspect vehicle turned westbound on Firestone Blvd. at which time he saw Suspect Sapien look in his direction. The suspect vehicle continued to slow and then speed up as it continued westbound Firestone Blvd. with Sergeant's Munoz and Giambalvo behind, attempting to stop it.

Deputy Cortinas said that the suspect vehicle finally stopped against the north curb line of Firestone Blvd. After the suspect vehicle stopped, he exited his vehicle and moved toward the parking lot of the car dealership at the location. He took a position of cover, behind the concrete base of a light pole, to the right of the Sergeant's vehicle, which provided a "perfect angle" of view into the suspect vehicle and of Suspect Sapien **(refer Exhibit H)**. He said that Sergeant Munoz was to his right and slightly ahead of him. He then heard several people yelling at the suspect's to raise their hands. He saw a struggle occur inside the suspect vehicle between the occupants. He saw the brake lights of the suspect vehicle go on and off intermittently and the suspect vehicle's rear tires were screeching and smoking and he believed that the suspect's were going to ram the radio car behind them.. He also saw Suspect Sapien making either "stuffing or retrieving" motions from the passenger seat. He saw Suspect Sapien, through the clear glass passenger window, raise his right hand in which he was holding a handgun **(refer Exhibit J)**.

Deputy Cortinas said that he heard someone yell "Gun" and immediately heard a "pop," and believed that Suspect Sapien was shooting at him and other law enforcement personnel. In "fear for his life," he began firing at Suspect Sapien, during which time the rear tires of the suspect vehicle continued to smoke, which caused him to believe that the suspect vehicle was going to back up and ram the personnel behind it. After the shooting stopped, the driver (Rodeghier) was ordered out of the suspect vehicle. Suspect Rodeghier complied and was taken into custody.

Deputy Cortinas said that as Suspect Rodeghier was being taken into custody, he saw Suspect Sapien continuing to move about inside the vehicle. He asked Suspect Sapien if he had a gun, to which Suspect Sapien replied that he did and that it was on the floor. Suspect Sapien exited the suspect vehicle and was taken into custody. After Suspect Sapien was in custody, Deputy Cortinas looked inside the suspect vehicle and saw a hand gun laying next to the passenger side door jamb.

Deputy Ruben Nava, [redacted]

Deputy Nava, on the day of the incident, was assigned to Safe Streets Bureau at Pico Rivera Station with his partner, Deputy David Cortinas along with Whittier Police Officer [redacted] Deputy Cortinas was the right front passenger, he was the driver and Officer [redacted] was the right rear passenger in an unmarked Sheriff's radio car. He was wearing a Sheriff's Department Class C uniform, a green marked Sheriff's raid jacket, and Sam Brown gun belt.

Deputy Nava said that after the briefing he, Deputy Cortinas and Whittier Police Officer [redacted] drove to the staging area for the surveillance operation. While there he was advised that Suspect Sapien had entered a green Ford Thunderbird along with another male who was the driver and that Suspect Sapien was armed. He was advised that the suspect vehicle was traveling southbound Orr & Day Rd. As the suspect vehicle approached Firestone Blvd., he saw Sergeants Munoz and Giambalvo's vehicle behind the suspect vehicle with it's overhead emergency lights and siren activated. The suspect vehicle slowed and pulled to the curb and then continued to proceed southbound Orr & Day Rd. The suspect vehicle turned westbound Firestone Blvd. and continued to slow and then speed up with Sergeant's Munoz and Giambalvo behind, attempting to stop it. He believed the suspect's actions indicated that Suspect Sapien was looking for a good spot to stop which would facilitate his escape.

Deputy Nava said that the suspect vehicle finally stopped against the north curb of Firestone Blvd. Immediately after the suspect vehicle stopped he saw the rear tires of the suspect vehicle breaking traction and smoking as the engine revved loudly. He believed that the suspect vehicle was going to be placed into reverse and ram the personnel behind the suspect vehicle. He and Deputy Cortinas ran north into a parking lot at the location and took a position of cover and advantage, behind a light pole, approximately twenty yards from the suspect vehicle **(refer Exhibit H)**. He saw Sergeant Munoz to his right and two to three yards ahead of him. From that location he could see movement inside the suspect vehicle as law enforcement personnel yelled at the suspects to raise their hands. As this was occurring he saw Suspect Sapien lean over toward the steering column and "do something."

Deputy Nava said that as the suspect vehicle's rear tires continued to spin, he saw Suspect Sapien holding a chrome or stainless handgun in his right hand. He saw the passenger door "crack

open"and Suspect Sapien appeared to be preparing to exit the suspect vehicle and engage the deputies. He heard Sergeant Munoz yell "Gun," and almost simultaneously a "shotgun blast," as he saw Suspect Sapien with his right hand bent backward, pointing at him, Sergeant Munoz and Deputy Cortinas. He said he believed Suspect Sapien was engaging law enforcement personnel in a "gun fight," and he fired approximately eight times at Suspect Sapien. He heard Suspect Rodeghier being ordered out of the vehicle, and saw him exit and taken into custody by Deputy Carrillo.

Deputy Nava said that he heard Suspect Sapien yelling that he had been shot and that he could not move. He then saw the passenger door open and Suspect Sapien "crawled" out of the suspect vehicle. Suspect Sapien was taken into custody, after which Deputy Nava approached the suspect vehicle and saw the handgun Suspect Sapien had displayed laying on the passenger side floorboard between the seat and door jamb.

WITNESSES STATEMENTS:

Sergeant Allen Harris, [redacted]

Sergeant Harris said that at the briefing a plan to affect the arrest of Suspect Sapien was formulated in which if the suspect was inside the location, he would be called out via telephone. He said a second plan was formulated in the event Suspect Sapien went mobile wherein a traffic stop would be utilized to arrest the suspect. He and Deputy Hernandez began the surveillance of the suspect location at which time he saw a teal green Ford Thunderbird in the driveway. He said he was also notified, by Officer [redacted] that the suspect was inside the location and armed with a handgun. During the surveillance he saw a male Hispanic exit the location and walk to the Thunderbird, carrying something in his hand, which he said was not a handgun. The male re-entered the residence and exited a short time later entering the drivers side of the vehicle.

He said he then saw Suspect Sapien, who he identified from photographs he had of Suspect Sapien, exit the location and enter the Ford Thunderbird. The suspect vehicle left the location followed by Sergeant Giambalvo in a marked Sheriff's unit and a "plain" Sheriff's unit. He remained at the location in case the suspect had been misidentified and monitored the progress of the suspect on the radio. While at the location he heard on the radio heard that shots had been fired. He did not witness the actual incident.

Sergeant Jack Mayer, [redacted]

Sergeant Mayer said that after the briefing he along with other canine units responded to a staging area at Hercules St. and Orr and Day Rd. While at the staging area, he was advised over the radio, that Suspect Sapien had left the location in a green Thunderbird driving toward Firestone Blvd. The suspect vehicle was westbound Firestone Blvd. when he saw the vehicle

stop several times against the north curb. He said the suspect vehicle was approximately 750 feet in front of him in the #3 traffic lane with numerous police vehicles behind it. When the suspect vehicle finally stopped he exited his vehicle and took a position behind a Sheriff's canine unit.

From his position he heard the suspect vehicles tires screeching and then he heard a shotgun blast. He then heard approximately sixty plus gun shots being fired in the direction of the suspect's vehicle. He gave the command to cease fire at which time the gun fire stopped. The driver of the suspect vehicle was ordered to exit the vehicle, which after several commands he complied with. Suspect Sapien was given commands to show his hands and exit the vehicle. Suspect Sapien did not comply initially; however, after several repeated commands he did so. Suspect Sapien was taken into custody by Sergeant Mayer and Officer's [redacted] and [redacted], Whittier Police Department. After Suspect Sapien was taken into custody, Sergeant Mayer said that he saw a chrome handgun laying on the floorboard between the passenger seat and door.

Deputy Richard Conti, [redacted]

Deputy Conti said that after the briefing he responded to the staging location of Hercules St. At the staging area, he was advised that Suspect Sapien was armed with a handgun. Almost immediately after he received this information, he was advised that Suspect Sapien had left the location and was traveling southbound on Orr and Day Rd. As the vehicle proceeded southbound he joined a line of police vehicles following the suspect vehicle. He switched his radio from Mutual Aid 3 to Channel 13, Norwalk's working frequency, to alert Norwalk units and set up a preliminary containment.

He said that the suspect vehicle slowed twice on Firestone Blvd. prior to stopping. After the suspect vehicle stopped, he stopped his vehicle and exited with his dog. He stopped his vehicle approximately forty yards from the suspect vehicle. He then, along with other personnel, approached the suspect vehicle. He heard the suspect vehicle's rear tires screeching and saw the tires smoking. He heard a loud boom, which he thought was a traffic collision between the suspect vehicle and the lead Sheriff's vehicle, then a rapid amount of gun fire. After the gun fire stopped he heard someone giving commands to the vehicle occupants. The driver exited and was taken into custody. He saw the Suspect Sapien crawl out of the vehicle and taken into custody.

Deputy [redacted]

Deputy [redacted] said that after the briefing he responded to the staging area at Hercules St. and Orr and Day Rd. along with other canine units. At the staging area, they received periodic updates about Suspect Sapien. These updates included that he was at the location and was armed with a handgun. When they were told that Suspect Sapien had left the location and was traveling southbound on Orr and Day Rd., they were advised that the sergeants on scene wanted a black

and white radio car to effect the traffic stop. Due to this directive, he joined the line of radio cars behind the suspect vehicle.

He followed the suspect vehicle as it turned westbound on Firestone Blvd., at which time he switched his radio to Norwalk Station's working frequency, Channel 13. At this point he was the number 2 vehicle behind the suspect vehicle. As he followed the suspect vehicle he saw the vehicle slow and accelerate several times as it proceeded in the #3 traffic lane. He had the impression that Suspect Sapien planned to exit the vehicle and run. When the suspect vehicle stopped, he heard the engine being "gunned" and saw the rear tires spin and burn rubber.

He heard several deputies and officers shouting commands to the occupants of the suspect vehicle. As this was occurring, he heard a single gunshot and then a barrage of gun fire. He did not know who fired the first shot. After the shooting stopped, the driver was given commands to exit the vehicle and he complied. Suspect Sapien, the right front passenger, did not comply immediately and he heard a dialogue between the officers and Suspect Sapien. Suspect Sapien did comply in the end and was taken into custody.

Deputy Ralph Hernandez, [redacted]

Deputy Hernandez said that at the termination of the briefing, he and his partner, Sergeant Allen Harris were actively surveilling the suspect location. Prior to beginning the surveillance he had received information that Suspect Sapien was possibly armed with a handgun and this information was confirmed during the actual surveillance. He had also been given information that Suspect Sapien had stated that he would resist arrest and "shoot it out" with police to avoid arrest.

He said he saw Suspect Sapien exit the location and enter a Ford Thunderbird which was parked in the driveway. The suspect vehicle left the location followed by a marked Sheriff's unit and a "plain" Sheriff's unit. He remained at the location in case the suspect had been misidentified and monitored the progress of the suspect on the radio. While at the location he heard gunshots and then on the radio heard that shots had been fired. He did not witness the actual incident.

Officer [redacted]

Officer [redacted] said that after he attended the briefing concerning Suspect Sapien, he responded to the staging area at Hercules Ave. and Orr and Day Rd. At approximately 0100 hours he was advised that Suspect Sapien had gone "mobile" and was traveling toward him. He was told the suspect vehicle was a green Ford Thunderbird and it was traveling southbound Orr and Day Rd., to westbound Imperial Hwy. at a slow rate of speed. The suspect vehicle made a right turn to westbound Firestone Blvd. and he saw several emergency lights activated on the police vehicles in front of him, indicating to him that they were attempting to stop the suspect vehicle. The suspect vehicle continued westbound on Firestone Blvd. and finally stopped against

the north curb line.

Officer [redacted] stopped his marked patrol vehicle against the north curb, a short distance from the suspect vehicle stop, and exited his vehicle. The suspect vehicle appeared to be in the reverse mode and he heard the engine rev several times as the rear tires "screeched." As Sheriff's deputies and Whittier Police officers were giving the suspects instructions to raise their hands, the back window of the suspect vehicle "blew out" from the inside of the suspect vehicle in the direction of the officers. After the initial gun shot, he heard two or three shots being fired in the direction of the suspect vehicle by deputies and officers. After the initial shots by law enforcement personnel, he heard numerous shots fired by deputies and officers.

After the initial "barrage" of gun fire, he saw movement inside the suspect vehicle and commands were given for the driver to exit the vehicle. The driver, Suspect Rodeghier, exited and was taken into custody. He then heard the passenger, Suspect Sapien, yelling that he could not move from the vehicle. Suspect Sapien then crawled out of the vehicle with the assistance of Sergeant Mayer and several Whittier Police officers. Suspect Sapien was treated at the scene by paramedics and transported to S. Francis Hospital.

Officer [redacted]

Officer [redacted] said that he attended the briefing proceeding this incident and that he had a confidential informant who had provided him with information regarding Suspect Sapien's whereabouts and that Suspect Sapien was armed with a chrome handgun. The confidential informant had agreed to go to the suspected location of Suspect Sapien and find out if he was there. He received a phone call from the informant that Suspect Sapien was leaving the location and heard over the radio that Suspect Sapien had entered a vehicle and was leaving.

Officer [redacted] said that he was told via radio that the suspect vehicle went southbound Orr and Day rd. to westbound Firestone Blvd. He saw several marked Sheriff's radio cars behind the suspect vehicle. As the suspect vehicle turned westbound Firestone Blvd., he saw the passenger door open slightly, and he felt because of the slow speed, that Suspect Sapien was going to exit the vehicle and run. The police vehicles behind the suspect vehicle had their emergency lights and sirens activated; however, the suspect vehicle continued to travel at a very slow rate of speed, failing to stop. When the suspect vehicle finally stopped, he saw that the passenger door was ajar and a felony traffic stop was conducted.

Sergeants Munoz and Giambalvo were stopped directly behind the suspect vehicle and the vehicle he was in was directly behind them. He exited his vehicle and ran to the right passenger door of the lead vehicle in the stop. He said that the rear of the suspect vehicle appeared to be raised, the front passenger door was open further, and the rear tires were spinning and smoking rubber. At this point he heard one gunshot which he had the impression came from the suspect vehicle toward the deputies and officers. This gunshot was followed by numerous gunshots. He

heard someone yell "cease fire," and the shooting stopped.

Officer [redacted] heard someone talking to Suspect Sapien, asking him if he had a gun. Suspect Sapien responded that he did and that it was on the floorboard of the suspect vehicle. Suspect Sapien did not immediately comply with the commands given to him by deputies and officers, but did finally show both his hands and crawl out of the suspect vehicle. After Suspect Sapien was in-custody, he went to the suspect vehicle and saw a chrome handgun laying on the floorboard of the suspect vehicle.

Officer [redacted]

Officer [redacted] said that after he attended the briefing prior to this incident, he took his assigned position in a surveillance van, near the location of Suspect Sapien. During his surveillance, he saw a male exit the location and approach a green Ford Thunderbird parked in the driveway. Suspect Sapien exited the location, entered the Thunderbird on the right front passenger side and the vehicle left the location. He advised assisting units of Suspect Sapien's departure, waited for several minutes, then followed numerous marked police units that were following the suspect vehicle. He said that his position in the line was approximately seven car lengths behind the lead marked unit.

As he drove he saw the right front passenger door open on several occasions and he believed that Suspect Sapien was going to exit the vehicle and flee. As the suspect vehicle turned westbound on Firestone Blvd., he saw numerous black and white units had their emergency lights activated and he saw the suspect vehicle drive to the north curb of Firestone Blvd. several times; however, the suspect vehicle did not stop, continuing to drive westbound at a slow rate of speed with the right front passenger open.

The suspect vehicle finally came to a full stop and he positioned his van behind the lead Sheriff's black and white radio car. He heard the suspect vehicle's engine revving at a high rate of RPM's and saw that the rear tires were screeching and smoking. He heard one gunshot, which he believed came from the suspect vehicle, and saw the rear window of the suspect vehicle shatter. He took cover and heard numerous gunshots. He heard someone yell "Cease fire," the shooting stopped and commands were given to the driver of the suspect vehicle to exit, which he complied with. Suspect Sapien said that he could not move and was taken into custody after several deputies and Whittier Officers approached the suspect vehicle.

Officer [redacted]

Officer [redacted] said that after he attended the briefing prior to this incident, he took his assigned position in a surveillance van, near the location of Suspect Sapien. During his surveillance, he saw a male, not Suspect Sapien, exit the location and approach a green Ford Thunderbird parked in the driveway. Suspect Sapien then exited the location, entered the Thunderbird on the right

front passenger side and the vehicle left the location.

The suspect vehicle drove westbound on Firestone Blvd. with several Sheriff's and Whittier Police black and white radio cars behind it with emergency lights activated. The suspect vehicle proceeded at a very slow rate of speed, which he estimated to be 10 to 15 MPH. The suspect vehicle was moving in the #3 traffic lane, next to the north curb. He saw the suspect ehicle stop on several occasions and then continue to move westbound. After the suspect vehicle stopped, he exited the surveillance van and took a position next to a Sheriff's radio car.

From his position he could see that the right passenger door was open and he heard the suspect vehicle's engine was revving as it rocked back and forth as if someone was accelerating and braking at the same time. He then heard a gunshot and the rear window of the suspect vehicle "blew out." He said that he believed that the suspect was shooting in his direction, and fearing for his safety and the safety of other personnel, he fired approximately eleven rounds at the suspect vehicle. Suspect Sapien was taken into custody after which he saw a handgun on the passenger side floorboard where Suspect Sapien had been seated.

Officer [redacted]

Officer [redacted] said that after the briefing he responded to Hercules St. and Orr and Day Rd. along with other canine units from Whittier Police Department and the Sheriff's Department. While stationed at that location they was advised that Suspect Sapien was at the location and armed with a handgun. They were advised that the suspect vehicle had left the location and he saw the suspect vehicle drive southbound Orr and Day Rd. past his location. He joined a line of four or five marked radio cars and followed the suspect vehicle, the first of which had activated it's emergency lights.

The suspect vehicle turned westbound Firestone Blvd. traveling at a slow rate of speed he estimated to be approximately 35 MPH. The suspect vehicle slowed and stopped several times which he believed indicated the Suspect Sapien intended to exit the vehicle, shoot at the officers and run or just run. When the suspect vehicle did stop, he exited his vehicle and ran to the front left fender of Deputy [redacted]s vehicle. He heard commands being given to the occupants of the suspect vehicle, during which he saw the rear ties of the suspect vehicle spinning and smoking.

He saw Suspect Sapien's head disappear and then reappear at which time he heard a single gunshot and saw the rear window of the suspect vehicle "explode." Fearing that he was being fired at by the suspect's, he fired approximately 26 rounds from his MP-5 machine gun. He did a tactical reload and heard commands being given to the occupants of the suspect vehicle to put their hands up and exit the vehicle. The driver complied after 30 to 60 seconds. Suspect Sapien also complied after refusing initially and complaining of being shot.

Deputy Eric Allen

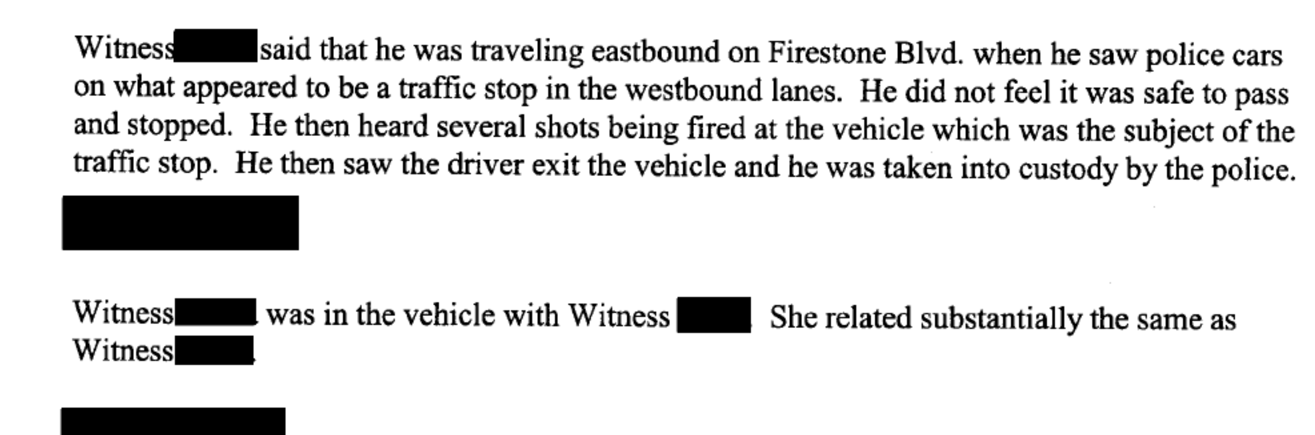
Deputy Allen was assigned as the observer in the aero unit which was detailed to assist in the surveillance of the suspects. He was orbiting approximately one mile from the suspects location when he was advised that Suspect Sapien had entered a vehicle and left the location. He and Deputy Macnair, the pilot, flew to the area and saw the suspect vehicle southbound on Orr and Day Rd. toward Firestone Blvd. When the suspect vehicle turned onto Firestone Blvd., he saw the following radio cars activate their emergency lights. The suspect vehicle slowed down several times, but did not stop. When the suspect vehicle did stop, it moved forward approximately twenty feet, slowed then moved approximately forty feet before coming to a complete stop.

After the suspect vehicle finally stopped he saw deputies exit their radio cars and it appeared a felony traffic stop was being conducted. The suspect vehicle appeared to be rocking back and forth as if the gas pedal and brake were being depressed at the same time. At this point he saw the rear window of the suspect vehicle shatter. The deputies on the ground returned fire and he broadcast a Deputy Involved Shooting. After the shooting stopped they left the location. He said that during the entire incident, he had the fifty million candle power Night Sun high intensity light directed at the suspect vehicle.

Deputy David Macnair

Deputy Macnair said that he was the pilot of the aero unit involved in this incident and Deputy Allen was the observer. The aero unit had been requested to assist in the surveillance of Suspect Sapien and he had orbited the helicopter approximately two miles from the suspect's location. When he was advised that the suspect had begun to move, he responded to the area of Orr and Day Rd. He saw the suspect vehicle on Firestone Blvd. and noted that it stopped after "hesitating a few times." He was then advised by Deputy Allen that deputies were shooting at the suspect vehicle. He said he was orbiting approximately four to five hundred feet above the suspect vehicle, but due to his piloting responsibilities, he did not see the shooting.

[redacted]



Witness [redacted] said that he was traveling eastbound on Firestone Blvd. when he saw police cars on what appeared to be a traffic stop in the westbound lanes. He did not feel it was safe to pass and stopped. He then heard several shots being fired at the vehicle which was the subject of the traffic stop. He then saw the driver exit the vehicle and he was taken into custody by the police.

[redacted]

Witness [redacted] was in the vehicle with Witness [redacted] She related substantially the same as Witness [redacted]

[redacted]

Witness [redacted] said that he was traveling eastbound Firestone Blvd. when he saw the emergency lights n police cars which had a vehicle stopped on westbound Firestone Blvd. Due the police activity and that he saw another vehicle stopped in the eastbound lanes of Firestone, he did not feel it was safe to pass and stopped. He did not see or hear the gunshots.

[redacted]

Witness [redacted] said that he was traveling eastbound Firestone Blvd. when he saw several police vehicles with their emergency lights activated and a a green Ford Thunderbird stopped in front of them. He then saw police personnel shooting at the Ford. The driver exited the Ford and was taken into custody by the police.

SUSPECTS STATEMENTS:

Suspect Michael Rodeghier

Suspect Rodeghier said that he met Suspect Sapien at a residence where they discussed arrangements for a tattoo that Suspect Sapien wanted. After approximately twenty minutes, Suspect Sapien told him that they should leave the location. He said that they exited the house and entered his parents1993 Ford Thunderbird. At this time he was aware that Suspect Sapien was in possession of a black handgun and he had told Suspect Sapien not to bring the gun because he (Rodeghier) did not want it in the vehicle.

As they were driving down Firestone Blvd., the "police" attempted to pull them over. He tried to comply and stop the vehicle; however, Suspect Sapien pushed down on his leg, in an attempt to have him accelerate the vehicle. He told Suspect Sapien that he had to stop, placed the vehicle in park and turned the engine off. Suspect Sapien continued to insist that they drive off, he refused and complied with the deputies orders. Suspect Sapien restarted the engine and shots were fired at them.

Suspect Antonio Sapien

Suspect Sapien said that he and Suspect Rodeghier were at a friends house and had been smoking marijuana. He and Suspect Rodeghier left the residence and were going to another location to get a tattoo. As they were driving Sheriff's personnel attempted to pull them over. When they were being pulled over he told Suspect Rodeghier to"go," and had pushed down on the gas pedal. After they stopped, they "moved up a little more," and he "guessed" they "moved" around in the vehicle. As they moved around the Sheriff's "unloaded" on them.

Suspect Sapien said that he had a loaded handgun in the car and that it was on the floorboard of

the vehicle during the incident. He denied having the handgun in his hand during the shooting and stated that he put his hands in the air as directed by the deputies.